



Town of Moultonborough Zoning Board of Adjustment

Notice of Decision

Request for Variance

Nancy Sears Barker/Tax Map 236, Lot 21

September 21, 2011

Applicant: Nancy Sears Barker

220 Howland Ave.

Toronto, ON, Canada M5R3B6

Location: 100 Echo Landing Road, Moultonborough, NH (Tax Map 236, Lot 21)

On September 7, 2011 the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application of Nancy Sears Barker (hereinafter referred to as the “Applicant” and/or “Owner”) for a variance from Article III (B) (3) to allow for the expansion of a screen porch (combined kitchen and dining area) to be 7’ x 24’, a portion which will lie within the required sideline setback located in the Residential Agricultural (RA) Zoning District.

Based on the application, testimony given at the hearings, and additional documentation and plan(s), the Board hereby makes the following findings of fact:

- 1) The property is located at 100 Echo Landing Road (Tax Map 236, Lot 21).
- 2) The applicant is a co-owner of record for the lot.
- 3) The applicants were represented at the Public hearing by Stephen Sheffer.
- 4) The lot is located in the Residential Agricultural (RA) Zoning District.
- 5) A portion of the existing cottage is located within the required sideline setback. The closest point being approximately eight (8’) feet from the property line.
- 6) Mr. Sheffer provided the board with a copy of a portion of the septic design to show the approximate location of the cottage in relation to the property line. It was stated the design was completed by Ames Associates.
- 7) Nicol Roseberry stated for the record that while her employer, Ames Associates, completed the design; she did not work on the project and could be nonbiased for the Public Hearing.

- 8) The Chairman polled the Board, and it was the consensus to allow Ms. Roseberry to remain seated for this Public Hearing.
- 9) The proposed 7' X 20' addition will not encroach any further into the sideline setback than the existing non-conforming structure.
- 10) Mr. Nolin noted his concerns with the discrepancy in the dimensions stated by Mr. Sheffer and those shown on the sketch.
- 11) The applicant is required to provide the Board with an accurate drawing to quantify the physical dimensions of the addition.
- 12) Granting the Variance will not be contrary to the public interest as the use is minimal, it is a summer camp. The proposed addition will not change the existing use of the camp.
- 13) Granting the Variance is consistent with the spirit of the Ordinance as the intent of the addition is consistent with other uses and locations in the district.
- 14) By granting the Variance, substantial justice is done.
- 15) Granting the Variance does not diminish the value of surrounding properties as the neighborhood is largely comprised of single-family homes of like construction and style, and the addition will not negatively affect the properties around it as the proposed structure is consistent in style and size with other structures on similar lots in this district.
- 16) Special conditions exist such that a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship as the location of the septic system will not allow for expansion in another area.
- 17) The Zoning Board of Adjustment voted by a vote of five (5) in favor (Stephens, Heal, Nolin, Crowe, Roseberry), and none (0) opposed to continue the Public Hearing to September 21, 2011, and to direct Staff to draft a Notice of Decision to Grant the Variance, to be reviewed by the Board at the September 21, 2011 Regular Meeting.

The Public Hearing was continued to September 21, 2011. The Board of Adjustment closed the Public Hearing on September 21, 2011. Based on the above Findings of Fact, the Board of Adjustment voted by a vote of four (4) in favor (Stephens, Heal, Roseberry, Crowe), none (0) opposed, one (1) abstention (Hopkins), to **GRANT** the request for variance.

This decision shall not take effect until thirty (30) days have elapsed and no request for rehearing has been filed in accordance with RSA 677:2, or that if such request has been filed, it has been dismissed or denied, in accordance with RSA 677:3.

Robert H. Stephens
Chairman, Zoning Board of Adjustment

Date _____